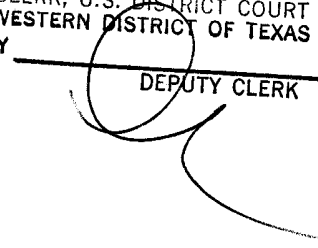


United States District Court
Northern District of Texas

Karen Mitchell, Clerk of Court
501 West Tenth Street, Room 310
Fort Worth, Texas 76102

RECEIVED

JUN 16 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

June 11, 2008

United States District Clerk
Western District of Texas, Midland-Odessa Division
200 East Wall, Room 107
Midland, TX 79701

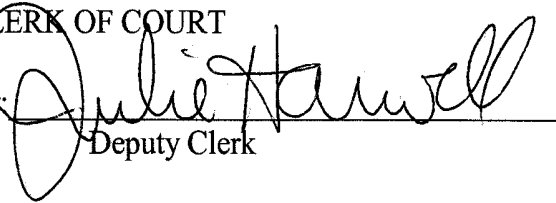
SUBJECT: Our Case 4:08-MJ-100(01) Your Case No. MO-08-CR-049-01
United States of America v. Eric Paul Krueger
Our Case: 4:08-MJ-100 (02) Your Case No. MO-08-049-02
United States of America v. Michael Zachariah Gomez

Dear Clerk:

Rule 5(c) papers on the above-named individuals are being transmitted to your district. The enclosed documents constitute the instruments that were filed in this court. A certified copy of the docket sheet is also being forwarded.

A copy of this letter and return envelope are enclosed for your convenience in acknowledging receipt of this file.

Sincerely,
KAREN MITCHELL
CLERK OF COURT

By:  Deputy Clerk

Enclosures

Please acknowledge below receipt of the documents described above.

Date: _____

Clerk, U.S. District Court

By: _____
Deputy Clerk

CLOSED

U.S. District Court
Northern District of Texas (Fort Worth)
CRIMINAL DOCKET FOR CASE #: 4:08-mj-00100 All Defendants
Internal Use Only

Case title: USA v. Krueger et al

Date Filed: 06/10/2008

Other court case number: MO-08-CR-049 Western District of Texas/Midland-Odessa Division
Date Terminated: 06/11/2008Assigned to: Magistrate Judge Charles
Bleil**Defendant (1)****Eric Paul Krueger****TERMINATED: 06/11/2008**represented by **Peter Michael Fleury**

Federal Public Defender - Fort Worth

819 Taylor St

Room 9A10

Fort Worth, TX 76102

817/978-2753

Fax: 817/978-2757 FAX

Email: peter_fleury@fd.org

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Public Defender or**Community Defender Appointment***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

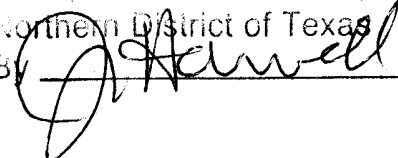
Highest Offense Level (Terminated)

None

Certified a true copy of an instrument
on file in **Disposition** 6-11-08

Clerk, U.S. District Court,

Northern District of Texas

By  Deputy

Complaints

21:841(a)(1), (b)(1)(A); 21:846
Conspiracy to Distribute and Possess
with Intent to Distribute Controlled
Substance

Disposition

Assigned to: Magistrate Judge Charles
Bleil

Defendant (2)

Michael Zachariah Gomez
TERMINATED: 06/11/2008

represented by **William H Ray**
Law Office of William H Ray
512 Main St
Suite 308
Fort Worth, TX 76102
817/698-9090
Fax: 817/698-9092 FAX
Email: bill@billraylawyer.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

21:841(a)(1), (b)(1)(A); 21:846
Conspiracy to Distribute and Possess
with Intent to Distribute Controlled
Substance

Disposition

Plaintiff**USA**represented by **Robert Austin Klinck**

US Attorney's Office

801 Cherry St

Suite 1700








Fort Worth, TX 76102











817/252-5200

Fax: 817/978-3094

Email: robert.klinck@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Retained*

Date Filed	#	Docket Text
06/10/2008	 <u>1</u>	Arrest (Rule 5) of Eric Paul Krueger(01) and Michael Zachariah Gomez (02). Case Number MO-08-CR-049 from Western District of Texas Midland-Odessa Division. (jah) (Entered: 06/11/2008)
06/10/2008	 <u>1</u>	MOTION for Pretrial Detention filed by USA as to Eric Paul Krueger (jah) (Entered: 06/11/2008)
06/10/2008	 <u>2</u>	Minute Entry for proceedings held before Magistrate Judge Charles Bleil: Initial Appearance on Rule 5(c) hearing as to Eric Paul Krueger held on 6/10/08. Deft arrested 6/10/08 on warrant from the Western District of Texas, Midland-Odessa Division; Deft appeared w/counsel; Deft executed financial affidavit; O/appointing FPD entered; Deft waives Rule 5(c) hearing as to identity and requests detention hearing in prosecuting district; O/Ans & Appear in prosecuting district entered; O/commitment to prosecuting district entered; Deft remanded to custody. Attorney Appearances: AUSA - Robert Klinck; Defense - Peter Fleury. (Tape #Digital File.) Time in Court: 4 minutes. (jah) (Entered: 06/11/2008)
06/10/2008	 <u>3</u>	WAIVER of Rule 5(c) Hearings by Eric Paul Krueger: re Identity Hearing and has been informed no right to a preliminary examination and, therefore, consents to the issuance of an order requiring appearance in the prosecuting district where charge is pending. (jah) (Entered: 06/11/2008)
06/10/2008	 <u>4</u>	***CJA 23 Financial Affidavit by Eric Paul Krueger (jah) (Entered: 06/11/2008)
06/10/2008	 <u>5</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Eric Paul Krueger. Peter Michael Fleury for Eric Paul Krueger appointed. (Signed by Magistrate Judge Charles Bleil on 6/10/08) (jah) (Entered: 06/11/2008)
06/10/2008	 <u>6</u>	ORDER HOLDING DEFENDANT TO ANSWER AND APPEAR IN DISTRICT OF PROSECUTION OR DISTRICT HAVING PROBATION JURISDICTION as to Eric Paul Krueger: detained without bond and ordered removed to Charging District. (copy USM 6/10/08) (Signed by Magistrate Judge Charles Bleil on 6/10/08) (jah) (Entered: 06/11/2008)

06/10/2008	 <u>7</u>	COMMITMENT TO ANOTHER DISTRICT as to Eric Paul Krueger. Defendant committed to District of Western District of Texas, Midland-Odessa Division, Case # MO-08-CR-049-01. (certified copy to USM 6/10/08) (Signed by Magistrate Judge Charles Bleil on 6/10/08) (jah) (Entered: 06/11/2008)
06/10/2008	 <u>8</u>	MOTION for Pretrial Detention filed by USA as to Michael Zachariah Gomez (02) (jah) (Entered: 06/11/2008)
06/10/2008	 <u>9</u>	Minute Entry for proceedings held before Magistrate Judge Charles Bleil: Initial Appearance on Rule 5(c) hearing as to Michael Zachariah Gomez held on 6/10/08. Deft arrested 6/10/08 on warrant from the Western District of Texas, Midland-Odessa Division; Deft appeared w/counsel; Deft executed financial affidavit; O/appointing CJA William Ray entered; Deft waives Rule 5(c) hearing as to identity and requests detention hearing in prosecuting district; O/Ans & Appear in prosecuting district entered; O/commitment to prosecuting district entered; Deft remanded to custody. Attorney Appearances: AUSA - Robert Klinck; Defense - William Ray. (Tape #Digital File.) Time in Court: 4 minutes. (jah) (Entered: 06/11/2008)
06/10/2008	 <u>10</u>	***CJA 23 Financial Affidavit by Michael Zachariah Gomez (jah) (Entered: 06/11/2008)
06/10/2008	 <u>11</u>	CJA 20 as to Michael Zachariah Gomez: Appointment of Attorney William H Ray for Michael Zachariah Gomez. Attorney notified and Appointment Packet mailed. (Signed by Magistrate Judge Charles Bleil on 6/10/08) (jah) (Entered: 06/11/2008)
06/10/2008	 <u>12</u>	WAIVER of Rule 5(c) Hearings by Michael Zachariah Gomez re: Identity Hearing and, therefore, consents to the issuance of an order requiring appearance in the prosecuting district where charge is pending. (jah) (Entered: 06/11/2008)
06/10/2008	 <u>13</u>	ORDER HOLDING DEFENDANT TO ANSWER AND APPEAR IN DISTRICT OF PROSECUTION OR DISTRICT HAVING PROBATION JURISDICTION as to Michael Zachariah Gomez: detained without bond and ordered removed to Charging District. (copy USM 6/10/08) (Signed by Magistrate Judge Charles Bleil on 6/10/08) (jah) (Entered: 06/11/2008)
06/10/2008	 <u>14</u>	COMMITMENT TO ANOTHER DISTRICT as to Michael Zachariah Gomez. Defendant committed to District of Western District of Texas, Midland-Odessa Division, Case # MO-08-CR-049-02. (certified copy to USM 6/10/08) (Signed by Magistrate Judge Charles Bleil on 6/10/08) (jah) (Entered: 06/11/2008)
06/11/2008	 <u>15</u>	Transmitted Rule 5(c) case papers as to Eric Paul Krueger, Michael Zachariah Gomez certified copy of docket along with transmittal letter to US District Clerk's Office, Western District of Texas, Midland-Odessa Division Case # MO-08-049 mailed by Fed Ex (jah) (Entered: 06/11/2008)
06/11/2008		(Court only) ***Terminated defendant Michael Zachariah Gomez and Eric Paul Krueger, pending deadlines, and motions., ***Set/Clear Flags as to Eric Paul Krueger, Michael Zachariah Gomez (jah) (Entered: 06/11/2008)

ORIGINAL

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

ERIC PAUL KRUEGER (1)

§
§
§
§
§

Case No. 4:08-100-MJ

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

JUN 10 2008

GOVERNMENT'S MOTION FOR PRETRIAL DETENTION KIRK, U.S. DISTRICT COURT

The United States moves for pretrial detention of the defendant pursuant to 18 U.S.C. §§ 3142(e) and (f).

1. Eligibility of Case: This case is eligible for a detention order because the case involves:

- ☒ Crime of violence (18 U.S.C. § 3156) ☒ Maximum sentence of LIFE imprisonment or death
☒ Controlled Substance offense punishable by 10 or more years ☐ Felony involving a minor victim
☐ Felony with 2 prior convictions in above categories ☐ Felony involving failure to register (18 U.S.C. § 2250)
☐ Felony involving the possession or use of a firearm, destructive device, or other dangerous weapon
☐ Serious risk that the Defendant will flee ☐ Serious risk that Defendant will obstruct justice

2. Reason for Detention: The Court should detain the Defendant because there are no conditions of release which would reasonably assure:

- ☒ Defendant's appearance as required ☒ The safety of the community ☐ The safety of another person.

3. Rebuttable Presumption: The United States will/ will not invoke the rebuttable presumption against the Defendant because there is probable cause to believe that the Defendant has committed

- ☒ Controlled Substance Offense punishable by 10 or more years imprisonment
☐ Firearms offense under 18 U.S.C. § 924(c)
☐ Felony involving a minor victim (18 U.S.C. § § 1201, 2251)
☐ Federal crime of terrorism, 18 U.S.C. § § 2332b(g)(5)
☐ Previous conviction for "eligible" offense committed while on pretrial bond

4. Time for Detention Hearing: The United States requests the Court to conduct the detention hearing at the Defendant's first appearance ; after a continuance of 3 days.

Respectfully submitted,

RICHARD B. ROPER
UNITED STATES ATTORNEY

Robert A. Klinck
ROBERT A. KLINCK
Assistant United States Attorney
Texas State Bar No. 24036917
801 Cherry Street, Suite 1700
Fort Worth, Texas 76102
Telephone: 817.252.5200
Facsimile: 817.978.3094

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above pleading was this day served upon the Defendant or his counsel of record in accordance with the provisions of Rule 49 of the Federal Rules of Criminal Procedure.

DATE: 6-10-08

Robert A. Klinck
ROBERT A. KLINCK
Assistant United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DIVISION

JUDGE: CHARLES BLEIL	
DEPUTY CLERK: JULIE HARWELL	COURT REPORTER/TAPE NO: DIGITAL FILE
LAW CLERK:	USPO/PTSO: <u>Blanca McCallum</u>
INTERPRETER:	COURT TIME: <u>4 minutes</u>
A.M.	P.M. <u>2:16-2:20</u> DATE: JUNE 10, 2008

UNITED STATES OF AMERICA

V.

ERIC PAUL KRUEGER

DEFENDANT(S) NAME(S) AND NUMBER(S)

☒ MAG. NO. 4:08-MJ-100(01)

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED §

JUN 10 2008 §

COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

AUSA

Robert KlinckPeter Fleury

- ☒ INITIAL APPEARANCE ☐ IDENTITY ☒ BOND HEARING ☐ PRELIMINARY HEARING
- ☐ DETENTION HEARING ☐ COUNSEL DETERMINATION HEARING ☐ REMOVAL HEARING ☐ EXTRADITION HEARING
- ☐ HEARING CONTINUED ON _____ CASE NO. _____ ☐ OTHER DISTRICT ☐ DIVISION
- ☒ DATE OF FEDERAL ARREST/CUSTODY: 6-10-08 ☐ SURRENDER ☒ RULE 5/32 ☐ APPEARED ON WRIT
- ☒ DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES ☐ PROBATION/SUPERVISED RELEASE VIOLATOR
- ☒ DEFT FIRST APPEARANCE WITH COUNSEL.
- ☒ DEFT ☐ MW (MATERIAL WITNESS) _____ APPEARED ☒ WITH ☐ WITHOUT COUNSEL
- ☒ REQUESTS APPOINTED COUNSEL.
- ☒ FINANCIAL AFFIDAVIT EXECUTED.
- ☒ ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
- ☐ PRIVATE COUNSEL APPOINTED _____
- ☐ DEFT HAS RETAINED COUNSEL _____
- ☐ ARRAIGNMENT SET _____ ☐ DETENTION HEARING SET _____
- ☐ PRELIMINARY HEARING SET _____ ☐ BOND HEARING SET _____
- ☐ COUNSEL DETERMINATION HEARING SET _____
- ☐ IDENTITY/REMOVAL HEARING SET _____
- ☐ BOND ☐ SET ☐ REDUCED TO \$ _____ ☐ CASH ☐ SURETY ☐ 10% ☐ PR ☐ UNS ☐ 3RD PTY ☐ MW
- ☒ ORDER HOLDING DEFENDANT TO ANS. & APPEAR IN PROSECUTING DISTRICT ENTERED.
- ☐ ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
- ☐ ORDER OF DETENTION PENDING TRIAL ENTERED.
- ☐ DEFT ADVISED OF CONDITIONS OF RELEASE.
- ☐ BOND EXECUTED ☐ DEFT ☐ MW RELEASED ☐ STATE AUTHORITIES ☐ INS
- ☒ DEFT ☐ MW REMANDED TO CUSTODY.
- ☒ DEFT ORDERED REMOVED TO ORIGINATING DISTRICT/COMMITMENT TO ANOTHER DISTRICT ENTERED.
- ☒ WAIVER OF ☒ RULE 5/32 HEARING AS TO: ☒ IDENTITY ☐ PRELIMINARY HEARING ☒ ~~PH~~ OTHER DIST. ☐ PH THIS DISTRICT
- ☐ COURT FINDS PROBABLE CAUSE ☐ ID ☐ PC.
- ☐ DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
- ☐ GOVERNMENT TO NOTIFY FOREIGN CONSULAR.

☒ REMARKS: Copy of Indictment and Warrant received USDC Western District of Texas; Case No.

MO-08-CR-049-01

2

United States District Court
NORTHERN DISTRICT OF TEXAS AT FORT WORTH

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUN 10 2008

CLERK, U.S. DISTRICT COURT

By _____ Deputy

UNITED STATES OF AMERICA

§
§
§
§
§

WAIVER OF RULE 5(c) HEARINGS
(Excluding Probation Cases)

V.

ERIC PAUL KRUEGER

CASE NUMBER: 4:08-MJ-100(01)

I, Eric Paul Krueger, understand that in the Western District of Texas, charges are pending alleging Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substance, and that I have been arrested in this District and taken before a United States Magistrate Judge who informed me of, the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel, (2) request transfer of the proceedings to this district pursuant to Rule 20, Fed. R. Crim. P., in order to plead guilty, (3) an identity hearing to determine if I am the person named in the charge, and (4) a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

() identity hearing

() preliminary examination

(☒) identity hearing and have been informed I have no right to a preliminary examination

() identity hearing, but request a preliminary examination be held in the prosecuting district

and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

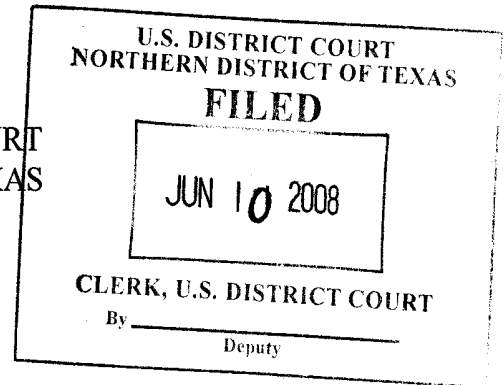
Defendant

June 10, 2008

Defense Counsel

3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



UNITED STATES OF AMERICA

V.

ERIC PAUL KRUEGER

§
§
§
§
§

NO. 4:08-MJ-100(01)

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

The above-named defendant has testified under oath, or has otherwise satisfied this court that such defendant (1) is financially unable to employ counsel, (2) wants to be represented by counsel, and (3) has not waived representation by counsel; accordingly,

It is ordered that the Federal Public Defender's Office for this District be and hereby is appointed pursuant to Section 3006A of Title 18, United States Code to represent the defendant named above.

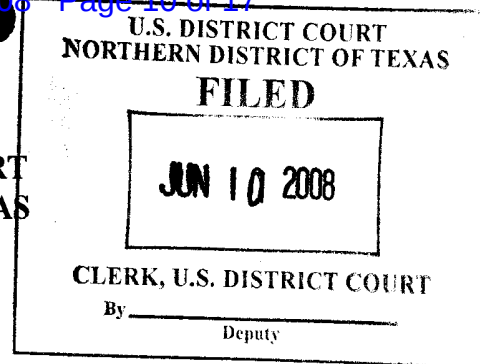
It is further ordered that the Federal Public Defender's Office be given immediate access to the above-named Defendant.

Signed: June 10, 2008.

A handwritten signature in black ink, appearing to read 'Charles Bleil'.

CHARLES BLEIL
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



UNITED STATES OF AMERICA

V.

ERIC PAUL KRUEGER

§
§
§
§
§
§

Case Number: 4:08-MJ-100 (01)

Charging District Case No.:
MO-08-CR-049-01

**ORDER HOLDING DEFENDANT TO ANSWER AND TO APPEAR
IN DISTRICT OF PROSECUTION OR DISTRICT HAVING
PROBATION JURISDICTION**

The Defendant having appeared before this Court pursuant to Rule 5(c), Federal Rules of Criminal Procedure, and proceedings having been concluded, and Defendant ORDERED

☐ released.

IT IS ORDERED that the Defendant be held to answer in the United States District Court for _____ District of _____, and shall appear at all proceedings as required.

The Defendant shall next appear at (if blank, to be notified) _____
Place and Address

_____ on _____
Date and Time

☒ detained.

IT IS ORDERED that the Defendant is detained without bond and ordered removed to the Charging District.

SIGNED June 10, 2008.

CHARLES BLEIL
UNITED STATES MAGISTRATE JUDGE

6

AO 94 (Rev. 12/03) Commitment to Another District

UNITED STATES DISTRICT COURT

Northern

UNITED STATES OF AMERICA
V.

ERIC PAUL KRUEGER

District of Texas at Fort Worth

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUN 10 2008

COMMITMENT TO ANOTHER
DISTRICT

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

CLERK, U.S. DISTRICT COURT

District of Offense

MO-08-CR-049-01

4:08 MJ-100(01)

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☒ Indictment ☐ Information ☐ Complaint ☐ Other (specify) ☐ Petition

charging a 21 U.S.C. 841 (a)(1), 841(b)(1)(A)

DISTRICT OF OFFENSE

WESTERN DISTRICT OF TEXAS, MIDLAND-ODESSA DIVISION

DESCRIPTION OF CHARGES:

Distribute and possess with intent to distribute controlled substances

CURRENT BOND STATUS:

- ☐ Bail fixed at _____ and conditions were not met
- ☐ Government moved for detention and defendant detained after hearing in District of Arrest
- ☒ Government moved for detention and defendant detained pending detention hearing in District of Offense
- Other (specify) _____

Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA ☐ NoneInterpreter Required? ☒ No ☐ Yes Language: _____

DISTRICT OF

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

June 10, 2008

Date

Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

7

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

MICHAEL ZACHARIAH GOMEZ (2)

Case No. 4:08-100-MJ

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUN 10 2008

CLERK, U.S. DISTRICT COURT

Deputy

GOVERNMENT'S MOTION FOR PRETRIAL DETENTION

The United States moves for pretrial detention of the defendant pursuant to 18 U.S.C. §§ 3142(e) and (f).

1. Eligibility of Case: This case is eligible for a detention order because the case involves:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Crime of violence (18 U.S.C. § 3156) | <input checked="" type="checkbox"/> Maximum sentence of LIFE imprisonment or death |
| <input checked="" type="checkbox"/> Controlled Substance offense punishable by 10 or more years | <input type="checkbox"/> Felony involving a minor victim |
| <input type="checkbox"/> Felony with 2 prior convictions in above categories | <input type="checkbox"/> Felony involving failure to register (18 U.S.C. § 2250) |
| <input type="checkbox"/> Felony involving the possession or use of a firearm, destructive device, or other dangerous weapon | |
| <input type="checkbox"/> Serious risk that the Defendant will flee | <input type="checkbox"/> Serious risk that Defendant will obstruct justice |

2. Reason for Detention: The Court should detain the Defendant because there are no conditions of release which would reasonably assure:

- ☒ Defendant's appearance as required ☒ The safety of the community ☐ The safety of another person.

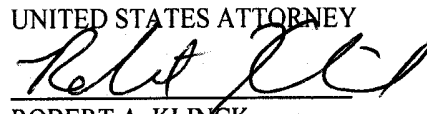
3. Rebuttable Presumption: The United States will/ will not invoke the rebuttable presumption against the Defendant because there is probable cause to believe that the Defendant has committed

- ☒ Controlled Substance Offense punishable by 10 or more years imprisonment
- ☐ Firearms offense under 18 U.S.C. § 924(c)
- ☐ Felony involving a minor victim (18 U.S.C. §§ 1201, 2251)
- ☐ Federal crime of terrorism, 18 U.S.C. §§ 2332b(g)(5)
- ☐ Previous conviction for "eligible" offense committed while on pretrial bond

4. Time for Detention Hearing: The United States requests the Court to conduct the detention hearing at the Defendant's first appearance ; after a continuance of 3 days.

Respectfully submitted,

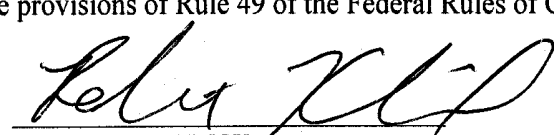
RICHARD B. ROPER
UNITED STATES ATTORNEY


ROBERT A. KLINCK
Assistant United States Attorney
Texas State Bar No. 24036917
801 Cherry Street, Suite 1700
Fort Worth, Texas 76102
Telephone: 817.252.5200
Facsimile: 817.978.3094

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above pleading was this day served upon the Defendant or his counsel of record in accordance with the provisions of Rule 49 of the Federal Rules of Criminal Procedure.

DATE: 6-10-08


ROBERT A. KLINCK
Assistant United States Attorney



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DIVISION

JUDGE: CHARLES BLEIL	
DEPUTY CLERK: JULIE HARWELL	COURT REPORTER/TAPE NO: DIGITAL FILE
LAW CLERK:	USPO/PTSO: <u>Blanca McCallum</u>
INTERPRETER:	COURT TIME: <u>4 minutes</u>
A.M.	P.M. <u>2:20-2:24</u> DATE: JUNE 10, 2008

UNITED STATES OF AMERICA

V.

MICHAEL ZACHARIAH GOMEZ

DEFENDANT(S) NAME(S) AND NUMBER(S)

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
MAG. NO. 4:08-MJ-100(02)

FILED

JUN 10 2008

CLERK, U.S. DISTRICT COURT

By _____ Deputy

Robert Klinck

AUSA

William Ray

A

COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

- ☒ INITIAL APPEARANCE ☐ IDENTITY ☐ BOND HEARING ☐ PRELIMINARY HEARING
☐ DETENTION HEARING ☐ COUNSEL DETERMINATION HEARING ☐ REMOVAL HEARING ☐ EXTRADITION HEARING
☐ HEARING CONTINUED ON _____ CASE NO. _____ ☐ OTHER DISTRICT ☐ DIVISION
☒ DATE OF FEDERAL ARREST/CUSTODY: 6-10-08 ☐ SURRENDER ☒ RULE 5/32 ☐ APPEARED ON WRIT
☒ DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES ☐ PROBATION/SUPERVISED RELEASE VIOLATOR
☒ DEFT FIRST APPEARANCE WITH COUNSEL.
☒ DEFT ☐ MW (MATERIAL WITNESS) _____ APPEARED ☒ WITH ☐ WITHOUT COUNSEL
☒ REQUESTS APPOINTED COUNSEL.
☒ FINANCIAL AFFIDAVIT EXECUTED.
☐ ORDER APPOINTING FEDERAL PUBLIC DEFENDER.
☒ PRIVATE COUNSEL APPOINTED William Ray
☐ DEFT HAS RETAINED COUNSEL _____
☐ ARRAIGNMENT SET _____ ☐ DETENTION HEARING SET _____
☐ PRELIMINARY HEARING SET _____ ☐ BOND HEARING SET _____
☐ COUNSEL DETERMINATION HEARING SET _____
☐ IDENTITY/REMOVAL HEARING SET _____
☐ BOND ☐ SET ☐ REDUCED TO \$ _____ ☐ CASH ☐ SURETY ☐ 10% ☐ PR ☐ UNS ☐ 3RD PTY ☐ MW
☒ ORDER HOLDING DEFENDANT TO ANS. & APPEAR IN PROSECUTING DISTRICT ENTERED.
☐ ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.
☐ ORDER OF DETENTION PENDING TRIAL ENTERED.
☐ DEFT ADVISED OF CONDITIONS OF RELEASE.
☐ BOND EXECUTED ☐ DEFT ☐ MW RELEASED ☐ STATE AUTHORITIES ☐ INS
☒ DEFT ☐ MW REMANDED TO CUSTODY.
☒ DEFT ORDERED REMOVED TO ORIGINATING DISTRICT/COMMITMENT TO ANOTHER DISTRICT ENTERED.
☒ WAIVER OF ☒ RULE 5/32 HEARING AS TO: ☒ IDENTITY ☐ PRELIMINARY HEARING ☒ PH OTHER DIST. ☐ PH THIS DISTRICT
☐ COURT FINDS PROBABLE CAUSE ☐ ID ☐ PC.
☐ DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.
☐ GOVERNMENT TO NOTIFY FOREIGN CONSULAR.
☒ REMARKS: Copy of Indictment and Warrant received USDC Western District of Texas; Case No. MO-08-CR-049-02

DH

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CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (Rev. 12/03)

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED Michael Zachariah Gomez		VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER 4:08-MJ-100(02)		4. DIST. DKT./DEF. NUMBER		5. APPEALS DKT./DEF. NUMBER	
7. IN CASE/MATTER OF (Case Name) USA v. Gomez		8. PAYMENT CATEGORY X Felony Petty Offense Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED X Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	
10. REPRESENTATION TYPE (See Instructions)					
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense. 21:841(a)(1), (b)(1)(A); 21: 846 Conspiracy to distribute and possess with intent to distribute controlled substances					
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS William H. Ray 512 Main Street, Suite 308 Fort Worth, Texas 76102 Telephone _____			13. COURT ORDER X O Appointing Counsel <input type="checkbox"/> C Co-Counsel F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Appointment _____ Because the above-named person represented has testified under oath or has satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case. OR Other (See Instructions) _____ _____ Signature of Presiding Judge or By Order of the Court June 10, 2008 _____ Date of Order Nunc Pro Tunc Date Repayment or partial repayment ordered from the person represented for this service at time appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO		
14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per _____) <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: fit-content;"> U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED JUN 10 2008 CLERK, U.S. DISTRICT COURT By _____ Deputy </div>					

CLAIM FOR SERVICES AND EXPENSES			FOR COURT USE ONLY			
CATEGORIES (Attach itemization of services with dates)		HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
In Court	15. a. Arraignment and/or Plea					
	b. Bail and Detention Hearings					
	c. Motion Hearings					
	d. Trial					
	e. Sentencing Hearings					
	f. Revocation Hearings					
	g. Appeals Court					
	h. Other (Specify on additional sheets)					
	(RATE PER HOUR = \$) TOTALS:					
Out of Court	16. a. Interviews and Conferences					
	b. Obtaining and reviewing records					
	c. Legal research and brief writing					
	d. Travel time					
	e. Investigative and other work (Specify on additional sheets)					
(RATE PER HOUR = \$) TOTALS:						
17. Travel Expenses (lodging, parking, meals, mileage, etc.)						
18. Other Expenses (other than expert, transcripts, etc.)						
GRAND TOTALS (CLAIMED AND ADJUSTED):						
19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM: _____ TO: _____			20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION		21. CASE DISPOSITION	
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____						
APPROVED FOR PAYMENT - COURT USE ONLY						
23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR./CERT.		
28. SIGNATURE OF THE PRESIDING JUDGE			DATE	28a. JUDGE CODE		
29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED		
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) Payment approved in excess of the statutory threshold amount.			DATE	34a. JUDGE CODE		

United States District Court

NORTHERN DISTRICT OF TEXAS AT FORT WORTH

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

JUN 10 2008

UNITED STATES OF AMERICA

V.

MICHAEL ZACHARIAH GOMEZ

§
§
§
§
§**WAIVER OF RULE 5(c) HEARINGS**
(Excluding Probation Cases) By _____ Deputy**CASE NUMBER: 4:08-MJ-100(02)**

I, Michael Zachariah Gomez, understand that in the Western District of Texas, charges are pending alleging Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substance, and that I have been arrested in this District and taken before a United States Magistrate Judge who informed me of, the charge and of my right to:

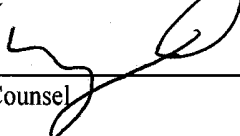
(1) retain counsel or request the assignment of counsel if I am unable to retain counsel, (2) request transfer of the proceedings to this district pursuant to Rule 20, Fed. R. Crim. P., in order to plead guilty, (3) an identity hearing to determine if I am the person named in the charge, and (4) a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

☒ identity hearing☐ preliminary examination☐ identity hearing and have been informed I have no right to a preliminary examination☐ identity hearing, but request a preliminary examination be held in the prosecuting district

and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

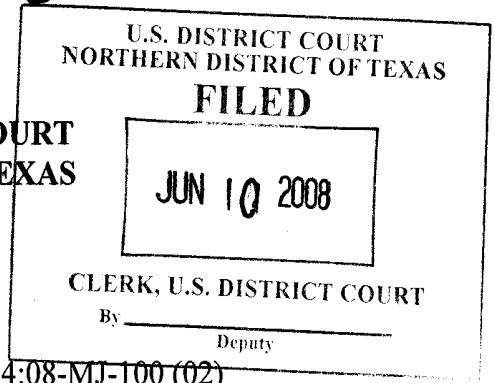

 Defendant


 Defense Counsel

June 10, 2008

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



UNITED STATES OF AMERICA

V.

MICHAEL ZACHARIAH GOMEZ

§
§
§
§
§
§

Case Number: 4:08-MJ-100 (02)

Charging District Case No.:

MO-08-CR-049-02

**ORDER HOLDING DEFENDANT TO ANSWER AND TO APPEAR
IN DISTRICT OF PROSECUTION OR DISTRICT HAVING
PROBATION JURISDICTION**

The Defendant having appeared before this Court pursuant to Rule 5(c), Federal Rules of Criminal Procedure, and proceedings having been concluded, and Defendant ORDERED



released.

IT IS ORDERED that the Defendant be held to answer in the United States District Court for _____ District of _____, and shall appear at all proceedings as required.

The Defendant shall next appear at (if blank, to be notified) _____
Place and Address

_____ on _____
Date and Time



detained.

IT IS ORDERED that the Defendant is detained without bond and ordered removed to the Charging District.

SIGNED June 10, 2008.

CHARLES BLEIL
UNITED STATES MAGISTRATE JUDGE

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AO 94 (Rev. 12/03) Commitment to Another District

UNITED STATES DISTRICT COURT

Northern

District of

Texas at Fort Worth

UNITED STATES OF AMERICA

V.

MICHAEL ZACHARIAH GOMEZ

COMMITMENT TO ANOTHER

DISTRICT
U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

JUN 10 2008

MO-08-CR-049-02

4:08-MJ-100(02)

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☒ Indictment☐ Information☐ Complaint☐ Other (specify)

CLERK, U.S. DISTRICT COURT

Petition By

Deputy

charging a 21 U.S.C. 841 (a)(1), 841(b)(1)(A); 846

DISTRICT OF OFFENSE

WESTERN DISTRICT OF TEXAS MIDLAND-ODESSA DIVISION

DESCRIPTION OF CHARGES:

Conspiracy to Distribute and possess with intent to distribute controlled substances

CURRENT BOND STATUS:

- ☐ Bail fixed at _____ and conditions were not met
☐ Government moved for detention and defendant detained after hearing in District of Arrest
☒ Government moved for detention and defendant detained pending detention hearing in District of Offense
 Other (specify) _____

Representation: ☐ Retained Own Counsel ☐ Federal Defender Organization ☒ CJA ☐ NoneInterpreter Required? ☒ No ☐ Yes Language: _____

DISTRICT OF

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

June 10, 2008

Date

Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

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